

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

KEN PAXTON, in his official capacity as
Attorney General of Texas, DAVID
SCHNITZ, TRACY MARTIN, and FLOICE
ALLEN

Plaintiffs,

Civil Action No. 4:22-cv-00143-P

v.

MARVIN RICHARDSON, in his official
capacity as Acting Director, Bureau of
Alcohol, Tobacco, Firearms, and
Explosives

Defendant.

Plaintiffs' Unopposed Motion for Leave to Proceed Without Local Counsel

Comes Now Plaintiffs David Schnitz, Tracy Martin, and Floice Allen and file this unopposed motion for leave to proceed without local counsel pursuant to L.R. 83.10.

Plaintiffs' counsel has conferred with counsel for Plaintiff Ken Paxton as well as for Defendant Marvin Richardson. Paxton and Richardson are unopposed to the grant of this motion.

The Texas Attorney General's office is lead counsel in this matter and is exempt from L.R. 83.10 under L.R. 83.11. However, L.R. 83.11 states that "an attorney appearing on behalf of . . . the Attorney General of the State of Texas . . . shall be exempt." Accordingly, L.R. 83.10 appears on its face to apply to counsel for Plaintiffs Schnitz, Martin, and Allen, regardless of the exemption for counsel for Paxton.

Counsel for Plaintiffs Schnitz, Martin, and Allen maintains his principal office in Williamson County, Texas, located two hours and forty minutes from the Court. Plaintiffs' counsel will travel to Fort Worth as necessary to attend hearings and other local matters. Any local counsel

recruited to the case would likely be superfluous as Plaintiffs' counsel intends to be present for any hearing or other proceeding in this case. Plaintiffs' counsel has represented clients in the Northern District and is familiar with the Local Rules.

Counsel for Plaintiffs Schnitz, Martin, and Allen is participating in this matter on a pro-bono basis. If leave is not granted, Plaintiffs will need to recruit additional counsel willing to participate in this matter on a pro-bono basis.

Accordingly, Plaintiffs Schnitz, Martin, and Allen move for leave pursuant to L.R. 83.10 in order to proceed without local counsel. If this Motion is denied, Plaintiffs request up to 14 days following denial of the motion in order to locate and secure local counsel who is willing to participate on Plaintiff's behalf in this matter on a pro bono basis.

Respectfully submitted,

The Law Offices of Tony McDonald

By: /s/ Tony McDonald

Tony McDonald
State Bar No. 24083477
1501 Leander Dr., Suite B-2
Leander, TX 78641
(512) 200-3608 (office)
(512) 923-6893 (mobile)
(815) 550-1292 (fax)
tony@tonymcdonald.com

Counsel for Plaintiffs Schnitz, Martin, and Allen

Certificate of Conference

On February 28, 2022, I conferred with counsel for Plaintiff Ken Paxton and with counsel for Defendant Marvin Richardson over email who stated that Paxton and Defendant do not oppose this motion.

/s/ Tony K McDonald
Tony K McDonald
Counsel for Plaintiffs Schnitz, Martin, and Allen

Certificate of Service

I certify that on February 28, 2022, I electronically submitted the forgoing document with the Clerk of the Court for the U.S. District Court for the Northern District of Texas, using the CM/ECF system of the Court. The electronic case filing system sent “Notice of Electronic Filing” to individuals who have consented in writing to accept this notice of service by electronic means.

February 28, 2022

/s/ Tony K McDonald
Tony K McDonald
Counsel for Plaintiffs Schnitz, Martin, and Allen